# REMARKS

### Application Title

The Office has requested that Applicants submit a revised title, at paragraph 1 of the Office Action. Applicants submit herein an amended title that is broadly descriptive of the subject matter under consideration.

### Claims 1-4, 6-21, 23-29, 31, and 34 are Allowable

The Office has rejected claims 1-4, 6-21, 23-29, 31, and 34, at paragraphs 1-2 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,438,702 ("Hodge") in view of Cisco SOHO 90 Series Secure Broadband Routers, 1992-2002, Cisco Systems ("Cisco"). Applicants respectfully traverse the rejections.

The cited portions of the cited references, separately or in combination, do not disclose or suggest the specific combination of claim 1. For example, the Office Action admits that Hodge does not disclose or suggest receiving a time synchronization request at a home network node comprising a web server, as in claim 1. *See* Office Action, page 3. The cited portions of Cisco do not disclose this element of claim 1. Instead, Cisco discloses that the Cisco SOHO 90 Series routers include a Cisco Router Web Set up tool. *See* Cisco, page 1. Further, Cisco discloses that the Cisco SOHO 90 Series Router supports SNTP Client and Server Protocol. *See* Cisco, page 5. The cited portions of Cisco do not disclose or suggest receiving a time synchronization request at a home network node comprising a web server. Therefore, the cited portions of Hodge and Cisco, separately or in combination, fail to disclose at least one element of claim 1.

Further, the Office Action admits that Hodge does not disclose or suggest outputting a time signal to a requesting device via a home network, the requesting device including a different node of the home network, as in claim 1. *See* Office Action, page 3. The cited portions of Cisco do not disclose or suggest this element of claim 1. Instead, Cisco discloses that the Cisco SOHO 90 Series Router supports SNTP Client and Server Protocol. *See* Cisco, page 5. In contrast to claim 1, the cited portions of Cisco do not disclose or suggest outputting a time signal to a requesting device via a home network, or that the requesting device includes a different node of

the home network. Therefore, the cited portions of Hodge and Cisco, separately or in combination, fail to disclose or suggest another element of claim 1.

For at least the reasons presented above, the cited portions of Hodge and Cisco, separately or in combination, fail to disclose or suggest each and every element of claim 1. Hence, claim 1 is allowable.

Claims 2-4 and 6-13 depend from claim 1, which Applicants have shown to be allowable. Hence, the cited portions of Hodge and Cisco, separately or in combination, fail to disclose at least one element of each of claims 2-4 and 6-13. Accordingly, claims 2-4 and 6-13 are also allowable, at least by virtue of their dependence from claim 1.

Further, the Office Action has failed to demonstrate a motivation to combine the cited portions of Hodge and Cisco to support an obviousness rejection. A statement that modifications of the prior art to meet the claimed invention would have been "'well within the ordinary skill of the art at the time the claimed invention was made'" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is <u>not sufficient</u> to establish a *prima facie* case of obviousness <u>without some objective reason to combine the teachings of the references</u>. (emphasis added) *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). *See* also *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000). *See also* MPEP 2143.01 (IV). Applicants submit that the Office has provided no explanation supporting a combination of the synchronization method of Hodge based on deriving a round trip transit time of operation administration and maintenance (OAM) cells, with the broadband router of Cisco that supports SNTP Client and Server Protocol. Applicants submit that the combination represents improper hindsight reconstruction and should be withdrawn.

Further, the dependent claims include additional features that are not disclosed or suggested by the cited portions of the cited references. For example, the Office Action admits that Hodge does not disclose or suggest that a home network node includes a Network Time Protocol (NTP) server, as in claim 2. *See* Office Action, page 11. Hodge discloses that SNTP is not as reliable as NTP and SNTP is usually not recommended for use in primary servers. *See* Hodge, col. 3, lines 18-24. Thus, Hodge differentiates SNTP from NTP. In further contrast to claim 2, Cisco discloses that protocols supported by Cisco SOHO 90 Series Routers include

SNTP Client and Server Protocol. *See* Cisco, page 5, Table 4. Cisco does not disclose or suggest that a home network node includes an NTP server. Therefore, Hodge and Cisco, separately or in combination, fail to disclose that a home network node includes a network Time Protocol (NTP) server, as in claim 2. For this additional reason, claim 2 is allowable.

Further, Applicants submit that Hodge teaches away from a combination with Cisco. Hodge discloses an alternative to NTP and SNTP that avoids use of Global Positioning Software (GPS) receivers. *See* Hodge, col. 3, lines 15-25, and lines 44-46. In contrast to Hodge, Cisco discloses that the Cisco SOHO 90 Series Router supports SNTP Client and Server Protocol. *See* Cisco, page 5, Table 4 (emphasis added). Thus, Hodge teaches away from Cisco, which supports the SNTP Client and Server Protocol. It is improper to combine references where the references teach away from their combination. *See* MPEP 2145 (X)(D)(2). Applicants submit that the combination of Hodge and Cisco is improper and should be withdrawn.

The cited portions of the cited references, separately or in combination, do not disclose or suggest the specific combination of claim 14. For example, the Office Action admits that Hodge fails to disclose a time adjustment system including memory that includes instructions operable to direct a processor to embody a web server, to receive a timing signal from a remote Public Internet time code protocol server, and to communicate time information representing the timing signal to a home network node via a home networking mechanism, as in claim 14. *See* Office Action, pages 4-5. The cited portions of Cisco fail to disclose or suggest this element of claim 14. Instead, Cisco discloses that the Cisco SOHO 90 Series Router supports SNTP Client and Server Protocol. *See* Cisco, page 5, Table 4. Cisco does not disclose memory that includes instructions operable to communicate time information representing the timing signal to a home network node via a home networking mechanism. Therefore, the cited portions of Hodge and Cisco, separately or in combination, fail to disclose at least one element of claim 14. Hence, claim 14 is allowable.

Claims 15-21 and 23-27 depend from claim 14, which Applicants have shown to be allowable. Therefore, claims 15-21 and 23-27 are allowable, at least by virtue of their dependence from allowable claim 14.

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Further, the dependent claims include additional features that are not disclosed or suggested by the cited portions of the cited references. For example, the cited portions of Hodge do not disclose or suggest a system that includes a home network node, where the home network node includes a Voice over Internet Protocol (VoIP) telephone, as in claim 18. Instead, Hodge discloses Customer Premise Equipment (CPEs) 131-139 that receive universal time information from a first network provider time server, which receives timing information from a Global Positioning System. *See* Hodge, col. 4, lines 35-42 and Fig. 1. Hodge further discloses that the CPEs 131-139 transmit and receive information or data over paths or links to CPEs 161-169, which derive timing information from a second network provider time server. *See* Hodge, col. 4, lines 40-45 and Fig. 1. Hodge does not disclose or suggest a home network node that includes a Voice over Internet Protocol (VoIP) telephone. Further, the cited portions of Cisco do not disclose or suggest a system that includes a home network node, where the home network node includes a VoIP telephone, as in claim 18. For this additional reason, claim 18 is allowable.

Further, the cited portions of Hodge do not disclose or suggest a home network node that includes a clock, as in claim 19, or a home network node that includes an oven, as in claim 20. Instead, Hodge discloses customer premises equipment to initiate a process providing synchronization and time of day information, and which are subsequently synchronized with a time server. *See* Hodge, Abstract. Further, the cited portions of Cisco do not disclose or suggest a home network node that includes a clock, as in claim 19, or a home network node that includes an oven, as in claim 20. For this additional reason, claims 19 and 20 are allowable.

Further, Applicants submit that Hodge teaches away from a combination with Cisco. Hodge discloses a method that teaches away from use of NTP or SNTP. *See* Hodge, col. 3, lines 15-25, and lines 44-46. In contrast, Cisco discloses that the Cisco SOHO 90 Series Router supports SNTP Client and Server Protocol. *See* Cisco, page 5, Table 4 (emphasis added). Applicants submit that Hodge teaches away from Cisco, which supports the SNTP Client and Server Protocol. It is improper to combine references where the references teach away from their combination. *See* MPEP 2145 (X)(D)(2). Applicants submit that the combination of Hodge and Cisco is improper and should be withdrawn.

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The cited portions of the cited references, separately or in combination, do not disclose or suggest the specific combination of claim 28. For example, the Office Action admits that Hodge fails to disclose making a remote time service available to a subscriber of a broadband data service; a piece of CPE comprising a broadband modem device; receiving a request for time information communicated from the piece of CPE via a broadband communication link at least partially interconnecting the service provider network node and the piece of CPE; outputting an Internet Protocol packet via the broadband communication link, the IP packet comprising at least a partial representation of the time information. *See* Office Action, page 9. The cited portions of Cisco do not disclose making a remote time adjustment service available to a subscriber of a broadband data service, as in claim 28. Instead, Cisco discloses that the Cisco SOHO 90 Series Router supports SNTP Client and Server Protocol. *See* Cisco, page 5. Further, the cited portions of Cisco do not disclose or suggest receiving a request for time information communicated from the piece of CPE via a broadband communication link at least partially interconnecting the service provider network node and the piece of CPE, as in claim 28. Further, the cited portions of Cisco do not disclose or suggest outputting an Internet Protocol (IP) packet via the broadband communication link, the IP packet comprising at least a partial representation of the time information, as in claim 28. Therefore, the cited portions of Hodge and Cisco, separately or in combination, fail to disclose or suggest each and every element of claim 28. Hence, claim 28 is allowable.

Claims 29, 31, and 34 depend from claim 28, which Applicants have shown to be allowable. Therefore, claims 29, 31, and 34 are allowable, at least by virtue of their dependence from allowable claim 28.

Further, the dependent claims include additional features that are not disclosed or suggested by the cited portions of the cited references. For example, the cited portions of Hodge do not disclose or suggest outputting a Network Time Protocol (NTP) request to a NTP server, as in claim 34. Instead, Hodge discloses that in NTP a distributed subnet of time servers operate in a self-organizing, hierarchical master-slave configuration that synchronizes local clocks within a subnet via wire or radio. *See* Hodge, col. 2, lines 39-42. In further contrast to claim 34, Hodge discloses a method that maintains synchronization of a time server and CPE without the complexity of NTP. *See* Hodge, col. 3, lines 44-46. Hodge distinguishes SNTP from NTP and

discloses that SNTP is not as reliable at NTP and is usually not recommended for use in primary servers. *See* Hodge, Col. 3, lines 22-25. Further, the cited portions of Cisco fail to disclose or suggest outputting a Network Time Protocol (NTP) request to a NTP server, as in claim 34. Instead, Cisco discloses that Cisco SOHO 90 Series routers support <u>SNTP Client and Server Protocol</u>. *See* Cisco, page 5, Table 4 (emphasis added). Therefore, the cited portions of Hodge and Cisco, separately or in combination, fail to disclose at least one element of claim 34. For this additional reason, claim 34 is allowable.

Further, Applicants submit that Hodge teaches away from a combination with Cisco. Hodge discloses a method that <u>teaches away from use of NTP or SNTP</u>. *See* Hodge, col. 3, lines 15-25, and lines 44-46. In contrast, Cisco discloses that the Cisco SOHO 90 Series Router supports <u>SNTP Client and Server Protocol</u>. *See* Cisco, page 5, Table 4 (emphasis added). Applicants submit that Hodge teaches away from Cisco, which supports the SNTP Client and Server Protocol. It is improper to combine references where the references teach away from their combination. *See* MPEP 2145 (X)(D)(2). Therefore, the combination of Hodge and Cisco is improper and should be withdrawn.

### Claims 5, 22, and 30 are Allowable

The Office has rejected claims 5, 22, and 30, at paragraph 3 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Hodge in view of Cisco, and further in view of Release Notes for Cisco Aironet 122 Series Access Points running Firmware version 12.00T ("Aironet Release Notes"). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Hodge and Cisco fail to disclose at least one element of claim 1, from which claim 5 depends. The cited portions of Aironet Release Notes fail to disclose the elements of claim 1 that are not disclosed or suggested by the cited portions of Hodge and Cisco. For example, the cited portions of Aironet Release Notes do not disclose receiving a time synchronization request at a home network node including a web server, as in claim 1. Instead, Aironet Release Notes discloses that the Cisco Aironet 1200 Series supports prioritized Quality of Service for downlink traffic on IEEE 802.11 links, but no method for prioritizing uplink traffic on IEEE 802.11 links. *See* Aironet Release Notes, page 4. Aironet Release Notes does not disclose or suggest receiving a time synchronization request at a home

network node including a web server. Further, Aironet Release Notes fails to disclose suggest outputting a time signal to a requesting device via a home network, the requesting device including a different node of the home network, as in claim 1. Therefore, the cited portions of Hodge, Cisco and Aironet Release Notes, separately or in combination, fail to disclose or suggest each and every element of claim 1, or of claim 5, which depends from claim 1. Hence, claim 5 is allowable.

As explained above, the cited portions of Hodge and Cisco fail to disclose at least one element of claim 14, from which claim 22 depends. The cited portions of Aironet Release Notes fail to disclose the elements of claim 14 that are not disclosed or suggested by the cited portions of Hodge and Cisco. For example, the cited portions of Aironet Release Notes do not disclose a time adjustment system including memory that includes instructions operable to direct a processor to embody a web server, to receive a timing signal from a remote Public Internet time code protocol server, and to communicate time information representing the timing signal to a home network node via a home networking mechanism, as in claim 14. Instead, Aironet Release Notes discloses new features of firmware version 12.00NT, including Quality of Service Support. *See* Aironet Release Notes, page 2. Therefore, the cited portions of Hodge, Cisco, and Aironet Release Notes, separately or in combination, fail to disclose at least one element of claim 14. Hence claim 14 is allowable over the cited portions of Hodge, Cisco, and Aironet Release Notes, and claim 22 is allowable, at least by virtue of its dependence from claim 14.

As explained above, the cited portions of Hodge and Cisco fail to disclose at least one element of claim 28, from which claim 30 depends. The cited portions of Aironet Release Notes fail to disclose the elements of claim 28 that are not disclosed or suggested by the cited portions of Hodge and Cisco. For example, the cited portions of Aironet Release Notes do not disclose receiving a request for time information communicated from a piece of CPE via a broadband communication link at least partially interconnecting a service provider network node and the piece of CPE, as in claim 28. Instead, Aironet Release Notes discloses new features of firmware version 12.00NT, including Quality of Service Support. *See* Aironet Release Notes, page 2. Therefore, the cited portions of Hodge, Cisco, and Aironet Release Notes, separately or in combination, fail to disclose at least one element of claim 28, or of claim 30, which depends

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from claim 28. Hence, claim 30 is allowable over the cited portions of Hodge, Cisco, and Aironet Release Notes.

### Claims 32 and 33 are Allowable

The Office has rejected claims 32 and 33, at paragraph 4 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Hodge in view of Cisco, and further in view of U.S. Patent No. 6,393,126 ("van der Kaay"). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Hodge and Cisco fail to disclose at least one element of claim 28, from which claims 32 and 33 depend. The cited portions of van der Kaay fail to disclose the elements of claim 28 that are not disclosed or suggested by the cited portions of Hodge and Cisco. For example, the cited portions of van der Kaay do not disclose receiving a request for time information communicated from a piece of CPE via a broadband communication link at least partially interconnecting a service provider network node and the piece of CPE, as in claim 28. Instead, van der Kaay discloses certifying a trusted local clock with a trusted master clock and signing time stamps using public key cryptography to enable subsequent authentication. *See* van der Kaay, Abstract. Van der Kaay does not disclose a broadband communication link at least partially interconnecting a service provider network node and a piece of CPE. Therefore, the cited portions of Hodge, Cisco and van der Kaay, separately or in combination, fail to disclose at least one element of claim 28, or of claims 32 and 33, which depend from claim 28. Hence, claims 32 and 33 are allowable.

## CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

2. 25. 2008

Date

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